

In re) Fair Hearing No. 19,216
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Appeal of)

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying her application for General Assistance (GA) benefits. The issue is whether the petitioner is facing a "catastrophic situation" as defined by the pertinent regulations.

1. The petitioner is married and has a young child. Her husband is employed full time and earns \$10 an hour, although the petitioner anticipates that his hours will soon be reduced. The petitioner recently lost her job.

2. The petitioner applied for GA on August 5, 2004 for her rent, which is overdue for August. The Department denied her application because it did not find that the petitioner was facing a catastrophic situation as defined in the regulations.

3. The petitioner has a note from her landlord that he will commence eviction proceedings if the rent for August is not paid by August 27, 2004. To date, however, he has taken no legal or other action against the petitioner.

ORDER

The Department's decision is affirmed.

REASONS

The General Assistance regulations provide that households with income in excess of the Reach Up Financial Assistance (RUFA) maximum can only receive additional financial assistance if they are experiencing a "catastrophic situation". See W.A.M. § 2600 *et seq.* There is no question in this matter the petitioner's husband's income is well in excess of the RUFA payment level for a three-person household. W.A.M. §§ 2244-2249. The GA regulations define catastrophic situations as an emergency medical need, a *court-ordered or constructive* eviction, the death of a spouse or minor child, or a natural disaster. W.A.M. § 2602. As noted above, the petitioner alleges none of these situations. She admits that her landlord has not yet taken any legal or physical action against her.

The petitioner was advised that she can reapply for GA if her family's income is reduced or if she is facing a court ordered eviction. However, inasmuch as the Department's decision in this matter was in clear accord with the above regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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